

## DECLARATION AND POWER OF ATTORNEY -- PATENT APPLICATION

As a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought in the application entitled:

Methods For Identifying And Treating Resistant Tumors, the specification of which  
 (check one) ☒ is attached hereto  
☐ was filed on \_\_\_\_\_ as  
 United States Application Serial No. \_\_\_\_\_ or  
 PCT International Application No. \_\_\_\_\_  
 and was amended on \_\_\_\_\_

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>P 44 32 563.0</u> (Number)	<u>Germany</u> (Country)	<u>13 September 1994</u> (Day/Month/Year Filed)	<u>X</u> Yes	<u>      </u> No
<u>PCT/US95/11125</u> (Number)	<u>WO</u> (Country)	<u>31 August 1995</u> (Day/Month/Year Filed)	<u>X</u> Yes	<u>      </u> No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

Application Number	Filing Date
<u>      </u>	<u>      </u>
<u>      </u>	<u>      </u>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(b) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/298,644</u> Application Serial No.	<u>31 August 1994</u> Filing Date	<u>Patented</u> Status-patented, pending, abandoned
<u>08/793,659</u> Application Serial No.	<u>26 February 1997</u> Filing Date	<u>Pending</u> Status-patented, pending, abandoned

I hereby appoint William R. Coffey, Reg. No. 24023; Arland T. Stein, Reg. No. 25062; Nancy J. Harrison, Reg. No. 27083; Richard D. Conard, Reg. No. 27321; Dilip A. Kulkarni, Reg. No. 27510; Steven R. Lammert, Reg. No. 27653; Richard A. Rezek, Reg. No. 30796; David B. Quick, Reg. No. 31993; Paul B. Hunt, Reg. No. 37154; Sue Corbett Watson, Reg. No. 38850; Jill T. Powlick, Reg. No. 42088; Jay S. Paranjpe, Reg. No. 45486; James R. Sweeney II, Reg. No. 45670; Dustin S. DuBois, Reg. No. 46233; Christopher E. Haigh, Reg. No. 46377; Kevin D. Bailey, Reg. No. 46531; Rebecca Ball, Reg. No. 46535; Dewayne A. Hughes, Reg. No. 46783; Perry Palan, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; David E. Herron, Reg. No. 46467; Bobby B. Gillenwater, Reg. No. 31105; Gregory S. Cooper, Reg. No. 40965; Scott M. Lohnes, Reg. No. 45451; Thomas J. Donovan, Reg. No. 33231; Alice O. Martin, Reg. No. 35601; Grant H. Peters, Reg. No. 35977; Mark A. Hamill, Reg. No. 37145;

- Michael B. Allen, Reg. No. 37582; and [redacted] P. Albers, Reg. No. 44008, as attorneys of [redacted] with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith, and I specify that communications regarding the application be directed to:

BARNES & THORNBURG  
11 South Meridian Street  
Indianapolis, Indiana 46204  
Telephone (317) 236-1313

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Jason Scott Sawyer  
**Full Name of Sole or First Joint Inventor**

U.S.A.  
Country of Citizenship

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Residence and Post Office Address

Stephen M. Spaethe  
**Full Name of Second Joint Inventor**

U.S.A.  
Country of Citizenship

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Residence and Post Office Address

James Jacob Starling  
**Full Name of Third Joint Inventor**

U.S.A.  
Country of Citizenship

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Residence and Post Office Address

\_\_\_\_\_  
**Full Name of Fourth Joint Inventor**

\_\_\_\_\_  
Country of Citizenship

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Residence and Post Office Address  
375721

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: Unknown

Attorney

Docket: 3051-67789

Applicant: Jason Scott Sawyer, Stephen M.  
Spaethe, and James Jacob StarlingInvention: METHODS FOR IDENTIFYING AND  
TREATING RESISTANT TUMORS

U.S. Serial No: Unknown

U.S. Filing Date: April 17, 2001

Examiner: Unknown

Certificate Under 37 C.F.R. 1.10

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Date of Deposit: April 17, 2001

I hereby certify that this correspondence is being  
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addressed to the Assistant Commissioner for  
Patents, Washington, D.C. 20231

Garla L. Twyman

Typed or Printed Name of Person Mailing Paper or  
Fee  
Signature of Person Mailing Paper or FeeASSOCIATE POWER OF ATTORNEYAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Richard D. Conard, Registration No. 27,321, hereby appoint Rebecca L. Ball, Registration No. 46,535, as an associate attorney in the above-identified application, with power to prosecute this application, to make alterations and amendments therein, and to transact business in the Patent and Trademark Office connected therewith.

Respectfully submitted,

Richard D. Conard  
Registration No. 27,321  
Attorney for Applicants